

Message Text

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PAGE 01 OSLO 05759 280829Z
ACTION L-03

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FM AMEMBASSY OSLO
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E.O. 11652: N/A
TAGS: PFOR, AFSP
SUBJECT: PRIVILEGES AND IMMUNITIES FOR FSS PERSONNEL IN NORWAY

REF: A. STATE 236045, B. OSLO 4766, C. STATE 276008

1. AS MENTIONED PARA ONE OURTEL, EMBASSY SENT DIPLOMATIC NOTE REQUESTING GON EXTEND TO OUR ADMINISTRATIVE AND TECHNICAL STAFF THE SAME PRIVILEGES CONCERNING THE SALE OF CARS AS EXTENDED TO DIPLOMATIC PERSONNEL. A COPY OF OUR NOTE (M/61 DATED 10/25/77) IS REPEATED IN PARA TWO BELOW. PARA THREE BELOW IS A COPY OF THE GON REPLY (DATED 30 NOVEMBER 1977). WE REQUEST THE DEPARTMENT'S GUIDANCE AS TO THE NEXT STEP IN OUR EFFORT TO OBTAIN THIS LIMITED PRIVILEGES FOR OUR NON-DIPLOMATIC STAFF.

2. QUOTE: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE ROYAL MINISTRY OF FOREIGN AFFAIRS AND DRAWS THE ATTENTION OF THE MINISTRY TO THE QUESTION OF THE SALE OF AUTOMOBILES BY MEMBERS OF THE EMBASSY'S ADMINISTRATIVE AND TECHNICAL STAFF. THE GOVERNMENT OF THE UNITED STATES OF AMERICA INTERPRETS ARTICLE 37(2) OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS AND OPTIONAL PROTOCOL ON DISPUTES AS REQUIRING THE HOST COUNTRY TO EXTEND TO MEMBERS OF THE EMBASSY'S ADMINISTRATIVE AND TECHNICAL STAFF THE SAME PRIVILEGES WHICH MUST BE ACCORDED DIPLOMATIC AGENTS UNDER ARTICLE 34 OF THE CONVENTION. OF PARTICULAR CONCERN TO THE EMBASSY IS THE NORWEGIAN GOVERNMENT'S POLICY CONCERNING THE SALE
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OF AUTOMOBILES WHERE THE EMBASSY'S ADMINISTRATIVE AND TECHNICAL STAFF ARE CLEARLY TREATED DIFFERENTLY FROM DIPLOMATIC AGENTS. ALTHOUGH WE OBJECT TO THE PRINCIPLE THAT DIPLOMATIC AGENTS ARE ACCORDED A REDUCTION IN DUTIES AND TAXES ON THEIR AUTOMOBILES WHEN SOLD RATHER THAN A GENERAL EXEMPTION FROM DUTIES AND TAXES AS PROVIDED FOR IN ARTICLE 34 OF THE VIENNA CONVENTION, THE LIMITED REDUCTION FOR DIPLOMATIC AGENTS IS NOT EXTENDED TO ADMI-

NISTRATIVE AND STAFF PERSONNEL AS CALLED FOR BY ARTICLE 37(2) OF THE CONVENTION. THE GOVERNMENT OF THE UNITED STATES OF AMERICA DOES NOT RESTRICT THE SALE OF AUTOMOBILES WHICH ENTERED UNITED STATES DUTY-FREE.

THE FACT THAT THESE LIMITED PRIVILEGES, EXTENDED TO THE DIPLOMATIC STAFF OF THE EMBASSY, ARE NOT ALSO EXTENDED TO OUR ADMINISTRATIVE AND TECHNICAL STAFF CREATES UNDUE FINANCIAL HARDSHIP ON THIS LATTER GROUP, AND WOULD APPEAR TO BE CONTRARY TO THE OBLIGATIONS OF THE NORWEGIAN GOVERNMENT.

MOREOVER, THE EMBASSY BELIEVES THAT THE POLICY ON THE SALE OF AUTOMOBILES MAY BE CONTRARY TO THE PRINCIPLE OF RECIPROCITY SET FORTH IN ARTICLE 47 OF THE CONVENTION, A POLICY WHICH THE UNITED STATES GOVERNMENT BELIEVES SHOULD BE ADHERED TO STRICTLY. AUTOMOBILES IMPORTED DUTY-FREE INTO THE UNITED STATES BY DIPLOMATIC AGENTS OR EMBASSY ADMINISTRATIVE AND TECHNICAL STAFF MAY BE SOLD AT ANY TIME WITHOUT PAYMENT OF DUTY.

THE EMBASSY URGES THAT THE ROYAL MINISTRY OF FOREIGN AFFAIRS GIVE SERIOUS CONSIDERATION TO EXTENDING THE LIMITED PRIVILEGES ON SALE OF AUTOMOBILES PRESENTLY ACCORDED DIPLOMATIC AGENTS IN NORWAY UNDER ARTICLE 34 TO MEMBERS OF ADMINISTRATIVE AND TECHNICAL STAFF, AS PROVIDED FOR BY ARTICLE 37(2) OF THE VIENNA CONVENTION. UNQUOTE. FOLLOWED BY COMPLIMENTARY CLOSING.

3. QUOTE: THE ROYAL MINISTRY OF FOREIGN AFFAIRS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND HAS THE HONOUR TO REFER TO THE EMBASSY'S NOTE M/61 OF 25 LIMITED OFFICIAL USE

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OCTOBER 1977 CONCERNING THE SALE OF AUTOMOBILES BY MEMBERS OF THE EMBASSY'S ADMINISTRATIVE AND TECHNICAL STAFF.

THE MINISTRY IS OF THE OPINION THAT THE SECOND-HAND SALE OF AUTOMOBILES - BY DIPLOMATS OR BY MEMBERS OF THE ADMINISTRATIVE AND TECHNICAL STAFF - IS NOT COVERED BY THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS. AS THE EMBASSY IS AWARE OF, BOTH DIPLOMATS AND EMPLOYEES MAY RE-EXPORT THEIR CARS, OR SELL THEM TO OTHER DIPLOMATS OR EMPLOYEES WITHOUT PAYING ANY DUTIES AND TAXES. IF, HOWEVER, SUCH A CAR IS SOLD IN THE NORWEGIAN MARKET, IT IS THE OBLIGATION OF THE NORWEGIAN BUYER TO PAY THESE AS AN ORDINARY CITIZEN.

THE FACT THAT A 50 PERCENT REDUCTION OF THE CUSTOM VALUE OF THE CAR IS

ACCORDED WHEN A DIPLOMAT'S CAR IS BEING SOLD IN THE NORWEGIAN MARKET IS THEREFORE AN ADVANTAGE EXTENDED EX GRATIA TO DIPLOMATS, AND NOT DERIVED FROM THE VIENNA CONVENTION.

THE EMBASSY REFERS TO ARTICLE 47 OF THE SAID CONVENTION AS IMPLTING A PRINCIPLE OF RECIPROCITY BETWEEN THE UNITED STATES OF AMERICA AND NORWAY. THE MINISTRY, HOWEVER, INTERPRETS ARTICLE 47 AS A BAN ON DISCRIMINATION BETWEEN STATES, I.E. TO GIVE SOME PRIVILEGE TO ONE STATE WHICH IS NOT GIVEN TO ANOTHER. AS FAR AS THE SALE OF AUTOMOBILES IS CONCERNED - AND ALSO IN ALL OTHER

MATTERS - THE NORWEGIAN AUTHORITIES APPLY THE SAME RULES FOR ALL MISSIONS ACCREDITED IN NORWAY.

A SEPARATE QUESTION IS WHETHER THE NORWEGIAN FISCAL AUTHORITIES MAY BE WILLING TO EXTEND THE CONCESSION OF A 50 PERCENT CUSTOMS VALUE REDUCTION ALSO TO ADMINISTRATIVE AND TECHNICAL PERSONNEL. SUCH AN EXTENSION WOULD HAVE TO BE GENERALIZED AND WOULD THEREFORE IMPLY A VERY SUBSTANTIAL INCREASE IN THE NUMBER OF AUTOMOBILES SOLD ON SPECIAL CONDITIONS. UNQUOTE. FOLLOWED BY COMPLIMENTARY CLOSING.

4. REQUEST ADVISE.
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